

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JULIAN A. MILLER,

Plaintiff,

v.

STANLEY TAYLOR, individually and in  
his official capacity as Commissioner of the  
Delaware Department of Correction;  
THOMAS CARROLL, individually and in  
his official capacity as Warden of the  
Delaware Correctional Center at Smyrna;  
DR. ALIE, individually and in her official  
capacity as Medical Director at DCC  
Smyrna; RN IHOMA, individually and in  
her official capacity as Registered Nurse at  
DCC Smyrna,

Defendants.

C.A. No. 04-1367-KAJ

**PLAINTIFF JULIAN MILLER'S MOTION  
TO EXTEND THE TIME TO FILE AN AFFIDAVIT OF MERIT**

Plaintiff Julian A. Miller (hereinafter referred to as "Plaintiff Miller"), pursuant to 18 Del. C. § 6853, hereby moves for a 60 day extension to file an affidavit of merit with respect to the medical negligence claim in the proposed second amended complaint. Counsel for Plaintiff Miller has been and continues to attempt to retrieve Plaintiff Miller's medical records from the DCC and to schedule an examination with an expert witness. Accordingly, the Court should grant Plaintiff Miller's motion.

Dated: June 9, 2006

FISH & RICHARDSON P.C.

By: /s/ Sean P. Hayes

Sean P. Hayes (I.D. No. 4413)

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*Attorney for Plaintiff*

*Julian A. Miller*

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2006, I electronically filed with the Clerk of Court **PLAINTIFF JULIAN MILLER'S MOTION TO EXTEND THE TIME TO FILE AN AFFIDAVIT OF MERIT** using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel, and by Registered Mail, Return Receipt Requested to Dr. Sitta B. Gombah-Alie at the address below.

**BY EMAIL AND BY HAND**

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**BY REGISTERED MAIL  
RETURN RECEIPT REQUESTED**

Dr. Sitta B. Gombah-Alie  
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Cantwell Ridge  
Middletown, DE 19709

/s/ Sean P. Hayes  
Sean P. Hayes